

WA 294/2007

BEFORE

HON'BLE THE CHIEF JUSTICE MR J CHELAMESWAR

HON'BLE SMTI JUSTICE A HAZARIKA

Aggrieved by an order dated 19-6-07 passed in WP(C) No.7485/05 the 5th respondent therein filed the present appeal. The 5th respondent in the present appeal was the writ petitioner.

The writ petition was filed challenging some of the conditions stipulated by the 2nd respondent Corporation while inviting bids by a notification dated 7-10-05. The case of the 5th respondent writ petitioner was that the impugned conditions of the bid notification were tailor made to suite the appellant herein.

Such being the nature of the allegations, when the matter came up for hearing, it appears that the learned counsel for the 2nd respondent Corporation agreed for altering the eligibility criteria of the prospective bidders in a manner consistent with the guidelines issued by the Central Vigilance Commission in this regard. In such circumstances the order under appeal came to be passed.

Heard Mr N Dutta, learned senior counsel for the appellant, Mr KN Choudhury, learned senior counsel for the 5th respondent and Mr J Roy, learned counsel for the 2nd respondent Corporation.

Without going into the factual details and merits of the writ appeal we deem it appropriate to dispose of the appeal at this stage in the following manner:-

It is open for the 2nd respondent Corporation to stipulate such conditions while inviting bids for the execution of the work which is the subject matter of dispute in the present. It is needless to say that such conditions shall be consistent with law.

The order under appeal stands modified accordingly.